UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,418	10/10/2003	Masayuki Sumi	05905.0174	9609

22852 7590 10/11/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/682,418	SUMI ET AL.	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 7/17/06, claims 1-3 have been amended. Claims 1-6 are pending in the current application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis.

Regarding claim 1, Davis discloses a computer program product in which a player-character who virtually fires bullets responding to the input operation of a player, and an enemy-character are disposed in a virtual space, and a computer program for causing a computer system to execute processing for displaying the status in the virtual space viewed from a virtual viewpoint on a screen is recorded in a computer-readable recording medium (*ie: the first player perspective of the player character in the virtual game*), wherein the computer program causes the computer system to determine whether a visual effects request for requesting visual effects processing was input by a player (*ie: shoots a locust of bullets when player input is received*), if the visual effects request was input, the computer program causes the computer system to execute image display processing with visual effects such that the display speed of at least the enemy-character and each of the bullets fired from the enemy-character becomes slower than the display speed of objects displayed in association with the player operation (*see Davis, "Time Crisis 2: Review"*). Additionally, Davis discloses a game program that causes the computer

system to determine whether at least one of the enemy-characters will collide with the moving locus of the bullet fired from the player character (*ie: enemy-characters are disposed when shot with the locust of bullets* (*see Davis, "Time Crisis 2: Review"*). Furthermore, Davis discloses a program wherein a shooting target will collide with the moving locus of the bullet fired from the player-character, the computer program causes the computer system to display the image of the shooting target being shot at the screen and the computer system to display the elapsed amount of the remaining time when image display processing of the visual effects can be executed on the screen (*see Davis, "Time Crisis 2: Review"*).

Regarding claim 2, Davis discloses a computer program product wherein the computer program causes the computer system to determine whether processing transits to bullet fire wait status where a bullet is fired from the enemy-character to the player-character at least within a predetermined time period (*ie: Time Crisis 2's game system processes the player input responses from the guns and the bullet fire from the enemy-character's and displays it on the video screen*). Additionally, Time Crisis discloses that is processing transits to the bullet fire wait status the computer program causes the system to determine whether the player input performs the visual effects request (*ie: processing when a bullet is fired*) (*see Davis, "Time Crisis 2: Review"*).

Regarding claim 3, Davis discloses a computer program product wherein the computer program causes the computer system to measure the elapsed time amount at which image display processing with the visual effects is not executed and to increase the remaining time according to the elapsed time amount (*ie: must reach a certain goal before time expires*) (*see Davis, "Time Crisis 2: Review"*).

Regarding claim 4, Davis discloses a computer program product wherein the computer program causes the computer system to determine whether the mode is a mode where two or more players play, and to update the remaining time so that the increasing amount of the remaining time is increased at an amount different from when it is a mode where one player plays (*ie: Time Crisis 2: has a different goal or predetermined value for increasing amount in time dependent on play in single or multiplayer mode*) (*see Davis, "Time Crisis 2: Review"*).

Regarding claim 5, Davis discloses a computer program product wherein the computer program causes the computer system to determine whether the image display processing of the visual effects is being executed and if it is determined that the image display processing the visual effects is being executed and the computer program causes the computer system to execute image effects processing for changing the display mode visually before and after the image display processing with the visual effects is executed for at least one enemy character (*ie: Time Crisis 2's interaction between the player character and enemy character's shooting each other and the system processing the visual effects to be displayed based on the player inputs*) (*see Davis, "Time Crisis 2: Review"*).

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Satsukawa et al. (US 6,379,249 B1).

Regarding claim 1, Satsukawa et al. disclose a computer program product, in which a player-character who virtually fires bullets responding to the input operation of a player and an enemy-character who is computer-controlled to virtually fire bullets at the player-character are disposed in a virtual space, and a computer program for causing a computer system to execute processing for display the status in the virtual space viewed from a virtual viewpoint on a screen

is recorded in a computer-readable recording medium (*ie: the first player perspective of the player character in the virtual game*) (*see Fig. 2 and the related description thereof, col. 7-col. 18-col. 8: ln 55*). Additionally, Satsukawa disclose that the computer program causes the computer system to determine whether a visual effects request for requesting visual effects processing was input by a player (*see col. 7: ln 28-65, col. 8: ln 36-60*). Satsukawa then disclose that the visual effects request once input, causes the computer system to execute image display processing with visual effects such that the display speed of at least the enemy-character and each one of the bullets fired from the enemy-character becomes slower than the display speed of objects displayed in associated with the player operation (*ie: shoots a locus of bullets when player input is received*) (*see col. 8: ln 24-55*). Furthermore, the computer program causes the computer system to determine whether at least one of the enemy-characters to be the shooting target and the bullet fired from the enemy-character will collide with the moving locus of bullet fired by the player character (*ie: enemy-characters are disposed when shot with the locus of bullets*) (*see col. 7: ln 5-28*). Satsukawa also discloses that if the shooting target collides with the moving locus of the bullet fired from the player-character the computer program causes the system to display the image of the shooting target being shot on the screen and the program causes the computer system to display the elapse amount of the remaining time when the image display processing with the visual effects can be executed on the screen (col. 11: ln 13-col. 12: ln 62).

Regarding claim 2, Satsukawa discloses the computer program product wherein the computer program causes the computer system to determine whether processing transitions to bullet fire wait status where a bullet is fired from the enemy-character to the player-character

within a predetermined time, and if processing transitions to the bullet fire wait status, the computer program causes the computer system to determine whether the player input called for a visual effects request (*see Fig. 24 and the related description thereof, col. 12: ln 32-67*).

Regarding claim 3, Satsukawa disclose a computer program wherein the computer program causes the computer system to measure the elapse time amount at which image display processing with the visual effects is not executed and to increase the remaining time according to the elapsed time amount (*ie: must reach a certain goal before time expires*) (*see col. 9: ln 39-col. 10: ln 11*).

Regarding claim 4, Satsukawa disclose a computer program wherein the computer program causes the computer system to determine whether the mode is a mode where two or more players play, and to update the remaining time so that the increasing amount of the remaining time when it is determined that the mode is a mode where two or more players play (*see col. 9: ln 39-col. 10: ln 30*), becomes different from the increasing amount of the remaining time in a mode where one player plays.

Regarding claim 5, Satsukawa disclose a program product wherein the computer program causes the computer system to determine whether the image display processing with the visual effects is being executed and if it is determined that the image display processing with the visual effects is being executed, the computer program causes the computer system to execute image effects processing for changing the display mode visually before and after the image display processing with the visual effects is executed for at least the enemy-character (*see Fig. 2 and the related description thereof, col. 8: ln 23-54*).

Regarding claim 6, Satsukawa disclose wherein the visual effects request input is a control signal, which is output to the computer system when a player steps on a foot pedal connected to the computer system (*see col. 8: ln 23-36*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims above, and further in view of www.KLOV.com Namco's Time Crisis: 2.

Regarding claim 6, Time Crisis II teaches a computer game product as discussed above however is silent with regard to a physical representation of an game machine where wherein a visual effects request input is a control signal that is output to the computer system when a foot pedal connected to the computer system is stepped on or used by a player (*see Davis, "Time Crisis 2: Review"*). Namco's arcade machine of Time Crisis 3 teaches the incorporation of the foot pedal into an arcade machine. The pedal is incorporated to allow the user to duck and avoid enemy-character bullets and also to enable the character to reload. One would be motivated to combine these two teachings because Namco's Time Crisis 2: arcade machine shows the original embodiment of the "duck" button as taught in Davis'. Therefore it would have been obvious to

one of ordinary skill in the art at the time the invention was made to incorporate the foot pedal of Davis in the way taught by Namco's Time Crisis 2 (*see www.klov.com; Namco's arcade game*).

Response to Arguments

Applicant's arguments filed 7/17/06 have been fully considered but they are not persuasive. Applicant's representative argues with regard to Davis that it does not disclose an "image display processing with visual effects such that the display speed of at least the enemy-character and each one of the bullets fired from the enemy-character becomes slower than the display speed of objects displayed in association with the player operation". Examiner notes that although the disclosure of Davis is of a high level analysis of the game Time Crisis II, it discloses the elements necessary for a first person shooting game. The idea of display bullets fired from the player characters and the enemy characters and displaying them visually on the screen for a player to recognize and interact with the game are inherent features in the shooting game arts. Additionally, Davis discloses the aspect of using a control feature to "execute image display processing with visual effects" or to "display the image of the shooting target being shot at on the screen" through the screenshots included in the description. These features are also common and well known in the gaming arts and especially inherent with regards to first person shooter games.

With regards to the applicant's arguments towards "Namco, Time Crisis 3", the Examiner has already mentioned that although the appearance of "Namco Time Crisis 3" appears in the PTO-892 the intention was for it to be "Namco Time Crisis 2". With regards to the arguments presented against the actual article retrieved from www.klov.com , the Examiner is not relying

on the date of May 09, 2003 for the supplied document itself, but simply as a way to show the that the game disclosed was a matter or "public use" and "on sale" well before the time the applicant filed the application. The intent of the article retrieved from www.klov.com was simply to disclose that the limitations claimed by the applicant were old and well known in the art and had been circulating through the public well before the applicant's filing date. Therefore although the article was published on May 09, 2003 it describes a game machine that had been used in the public since 1998 and therefore the rejection still stands on a basis of "public use" or "on sale" (*see MPEP 2133.03(a-b)*).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached at (571)-272-6788.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

Scott E. Jones

SCOTT JONES
PRIMARY EXAMINER

September 25, 2006